

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

Arthur Hill,
Plaintiff,
v.
Carvana, LLC and
Bridgecrest Credit Company, LLC,
Defendants.

Civil Action No. 1:22-cv-00037

**DEFENDANTS CARVANA, LLC AND BRIDGECREST CREDIT COMPANY,
LLC'S JOINT PARTIAL MOTION TO DISMISS PLAINTIFF'S SECOND
AMENDED COMPLAINT PURSUANT TO RULE 12(b)(6)**

Defendants Carvana, LLC (“Carvana”) and Bridgecrest Credit Company, LLC (“Bridgecrest,” and together with Carvana, “Defendants”) pursuant to 12(b)(6) of the Federal Rules of Civil Procedure and LR 7.3, by and through undersigned counsel, respectfully move the Court for an Order dismissing, with prejudice, Plaintiff Arthur Hill’s claim for violation of the North Carolina Retail Installment Sales Act asserted against Defendants in Count 2 of the Second Amended Complaint (the “SAC”) for failure to state a claim for which relief can be granted. Carvana also moves the Court for an Order dismissing, with prejudice, Plaintiff’s claims for violation of the Federal Odometer Act and Truth in Lending Act asserted in Counts 4 and 5, respectively, of the SAC. As set forth in more detail in Defendants’ Memorandum in Support, which is filed contemporaneously herewith, Plaintiff’s claim for violation of the North Carolina Retail Installment Sales Act (Count 2) fails because the SAC discloses facts that necessarily defeat Plaintiff’s claims and

Plaintiff's claims for violation of the Federal Odometer Act (Count 4) and the Truth in Lending Act (Count 5) are time-barred under the applicable statutes of limitations.

WHEREFORE, Defendants respectfully request that the Court dismiss, with prejudice, Count 2 of the SAC and Carvana respectfully requests that the Court also dismiss, with prejudice, Counts 4 and 5 of the SAC under Rule 12(b)(6) of the Federal Rules of Civil Procedure, and for such further relief as shall be just and proper.

Dated this 2nd day of February, 2022. Respectfully submitted,

/s/Ashia Crooms-Carpenter

Ashia Crooms-Carpenter
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*Attorney for Carvana, LLC and
Bridgecrest Credit Company, LLC*

CERTIFICATE OF SERVICE

I, Ashia Crooms-Carpenter, hereby certify that, on February 2, 2022 a true and correct copy of the foregoing was served upon Arthur Hill using the Court's CM/ECF system:

Arthur Hill
2849 Trestle Court SW
Concord, NC 28025
Pro Se Plaintiff

/s/Ashia Crooms-Carpenter
Attorney for Carvana, LLC and
Bridgecrest Credit Company, LLC